

Remarks

The status of the application is as follows. Claims 1-29 were presented for prosecution. By the present amendment, claims 1, 11, 19, and 23 have been amended and claim 4 has been cancelled. No new matter is believed added.

Claims 1-3, and 5-10 are rejected under 35 U.S.C. 102(e) under Douik et al. (US 6,012,152), hereafter "Douik." Claims 4 and 11-29 are rejected under 35 U.S.C. 103(a) over Douik in view of Abeyta (US 6,628,285). These rejections are defective because Douik and Abeyta, taken alone or in combination, fail to teach or suggest each and every feature set forth in the claims. Further, with regard to the rejection under 35 U.S.C. 103(a), the Examiner has failed to establish a prima facie case of obviousness.

Independent claim 1 includes, among other features, a "fourth knowledge base that includes clouds, wherein each cloud describes a set of possible configurations that can fulfill a predetermined function that the cloud represents." Independent claims 13, 19, and 23 include similar features. In the above-referenced Office Action, the Examiner admits that Douik fails to teach or suggest this feature. In particular, the Examiner states on page 4 of the Office Action that "Douik doesn't explicitly disclose wherein each cloud describes a set of possible configurations that can fulfill a predetermined function." In order to overcome this glaring deficiency of Douik, the Examiner relies on the teachings of Abeyta. Specifically, the Examiner alleges that "Abeyta in an analogous art discloses a cloud tool for creating, and viewing illustrations of a network systems 3: 40 - 65, including DBMS, see 4: 15 - 30 as well as being able to manipulate the clouds to perform changes, design suggestions, comments and provide design information 5: 13 - 20." To support the combination of Douik and Abeyta, the Examiner alleges that "it would have

been obvious to one of ordinary skill in the art at the time the invention was made to combine Douik and Abeyta because, using the clouds to represent the system would enable the system to be more visual as well as provide editing for the marked up designs (2: 25 – 33).” Applicant disagrees with the Examiner’s analysis and conclusion.

Applicant submits that Douik and Abeyta are not in analogous arts. Douik discloses a **software fault management system** for managing software faults in a mobile telecommunications network (see, e.g., Abstract; col. 1, lines 20-23). Abeyta, however, relates to a **computer-implemented graphics system** for displaying, annotating, and redlining graphical images. One of ordinary skill in the art would certainly not consider the art of software fault management in a mobile telecommunications network to be analogous to the art of computer-implemented graphics as alleged by the Examiner. Accordingly, Applicant submits that the combination of Douik and Abeyta set forth by the Examiner is faulty.

Applicant further submits that a “cloud” as claimed in the present invention is **not equivalent** to a “cloud” drawing object as disclosed by Abeyta. As claimed in the present invention, a “cloud” describes a **set of possible configurations that can fulfill a predetermined function that the cloud represents**. A “cloud” in Abeyta, however, is simply a drawing shape that can be used to markup an existing drawing. See, e.g., Abeyta, col. 3, lines 40-48. Clearly, therefore, Abeyta fails to teach or suggest a “fourth knowledge base that includes clouds, wherein each cloud describes a set of possible configurations that can fulfill a predetermined function that the cloud represents.”

Applicant further disagrees with the Examiner’s statement that “Abeyta ... discloses a cloud tool for creating, and viewing illustrations of a network systems 3: 40 –

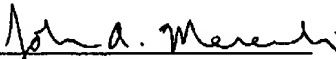
65, including DBMS, see 4: 15 – 30.” The sections of Abeyta referenced by the Examiner do not disclose that Abeyta’s cloud tool is used to create and view illustrations of a network system including DBMS. Rather, the referenced sections of Abeyta merely describe a hardware/software environment for implementing Abeyta’s computer-implemented graphics system.

Accordingly, since Douik and Abeyta, taken alone or in combination, fail to teach or suggest each and every feature set forth in the claims, Applicant submits that claims 1-3 and 4-29 are allowable. Applicant further submits that claims 1-3 and 4-29 are allowable because Douik and Abeyta are from non-analogous arts and are not combinable in the manner suggested by the Examiner.

Accordingly, Applicant respectfully submits that all claims are in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant’s undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: 11/29/04

  
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